IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WP(C).No. 26465 of 2007(A)

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PETITIONER:

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V.SHAHUL HAMEED,S/O. VELLA MEERAN,
PEERU VEEDU, PETTA,PATHANAMTHITTA,
KOZHENCHERRY TALUK.

BY ADV. SRI.K.RAVEENDRAN
SRI.ANIL KUMAR M.SIVARAMAN

RESPONDENTS:

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1. THE DIRECTOR OF MUNICIPALITIES,
KERALA, THIRUVANANTHAPURAM.

2. THE SECRETARY,
PATHANAMTHITTA MUNICIPALITY,
PATHANAMTHITTA.

3. THE TALUK SURVEYOR
KOZHENCHERRY TALUK,PATHANAMTHITTA.

4. THE CHIEF TOWN PLANNING OFFICER,
THIRUVANANTHAPURAM.

5. V. MOHAMMED ABDUL KHADER,
S/O. VELLA MEERAN,PEERU VEEDU, PETTAH,
PATHANAMTHITTA.

R1, R3 & R4 BY ADV. SRI.K.J. MOHAMMED ANZAR, GOVT. PLEADER.
R2 BY ADV. SRI.V.K. SUNIL, SC, PATHANAMTHITTA MUNICIPALITY.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**PIUS C. KURIAKOSE, J.**

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W.P.(C) No. 26465 OF 2007

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Dated this the 5th day of September, 2007

**JUDGMENT**

Having considered the averments in the Writ Petition, the various documents placed along with the same and the submissions addressed by Sri.K.Raveendran, learned counsel for the petitioner and Sri.V.K.Sunil, Standing Counsel for the Pathanamthitta Municipality, I am of the view that it is not necessary that this Court decides the issue on merits.

The grievance of the petitioner is that the building permit which is issued by the Municipality to the 5th respondent is liable to be cancelled invoking Rule 16 of the Kerala Municipality Building Rules, 1999. It is seen that the petitioner has already approached the Director of Municipalities, Kerala by filing Ext.P3. But, as rightly submitted by the learned Government Pleader, Mr.Anzar, the power under the Rules is with the Secretary of the Municipality himself. Accordingly, I dispose of the Writ Petition issuing the following directions:

The petitioner is permitted to file a complaint in the lines of Ext.P3 before the Secretary of the 2nd respondent Municipality. If the 2nd respondent receives any such complaint within two weeks from today, he will entertain that complaint, issue notice to the 5th respondent, hear

the petitioner and the 5th respondent and dispose of the same in accordance with law. This will be done by him at the earliest and at any rate within two months of receiving copy of this judgment. It is made clear that constructions put up, if any, by the 5th respondent will be at his risk and subject to the result of the petition to be filed by the petitioner in response to Ext.P3.

**PIUS C. KURIAKOSE, JUDGE**

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